

Michael A. Strauss, SBN 246718
mike@palaylaw.com
Andrew C. Ellison, SBN 283884
andrew@palaylaw.com
PALAY LAW FIRM
121 North Fir Street, Suite "F"
Ventura, CA 93001
Telephone: (805) 641-6600
Facsimile: (805) 641-6607

Attorneys for Plaintiff Michael Chargin

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MICHAEL CHARGIN, an Individual,
Plaintiff,

vs.

STEPHEN VOGEL, an Individual;
BENNETT VALLEY PROPERTIES,
LLC a California Limited Liability
Company; and DOES 1 through 100,
inclusive,

Defendants.

STEPHEN VOGEL, an Individual;
BENNETT VALLEY PROPERTIES,
LLC a California Limited Liability
Company,

Counterclaimant,

vs.

MICHAEL CHARGIN,

Counterdefendants.

CASE NO. 4:13-cv-3856-KAW

Complaint Filed: March 25, 2013

*[Assigned to Hon. Magistrate Judge:
Kandis A. Westmore]*

**NOTICE OF CONDITIONAL
SETTLEMENT; ORDER**

///

TO THE COURT:

The parties herein submit this Notice of Conditional Settlement to notify the Court that the lawsuit has been settled contingent upon consideration being remitted over the course of one year, and to request time in which to file the dismissal. Pursuant to the settlement agreement, Defendants and Counterclaimants Stephen Vogel and Bennett Valley Properties, LLC will make structured installment payments, concluding with a final payment on January 17, 2015. The parties request 45 days from the date of the final payment in which to file the dismissal.

The parties further stipulate and agree (subject to the Court's approval) that the continued Scheduling Conference set for April 1, 2014 at 1:30 PM, as well as the trial date and all dates set in the Pretrial Order for Jury Trial issued by the court on November 20, 2013 are no longer necessary as the action will be awaiting Dismissal.

In the interest of not wasting judicial and attorney resources, the parties therefore respectfully request that the upcoming hearing in this matter be vacated based on the settlement.

Dated: March 4, 2014

PALAY LAW FIRM



Andrew C. Ellison, Esq.
Attorneys for Plaintiff and Counterdefendant
Michael Chargin

Dated: March 4, 2014

CLAYTON & McEVOY, P.C.

/s/

William B. Clayton, Jr.
Joshua A. Bennett
Counsel for Defendants and
Counterclaimants STEPHEN VOGEL and
BENNETT VALLEY PROPERTIES,
LLC

SIGNATURE CERTIFICATION

Pursuant to Local Rule 5-1, I hereby certify that the content of this document is acceptable to William B. Clayton, Jr., counsel for Defendants STEPHEN VOGEL and BENNETT VALLEY PROPERTIES, LLC and that I have obtained Mr. Clayton's or Mr. Bennett's authorization to affix an electronic signature to this document.

Dated: March 4, 2014

PALAY LAW FIRM

/s/

Andrew C. Ellison, Esq.
andrew@palaylaw.com

ORDER

Based upon the foregoing Stipulation and good cause appearing, IT IS SO ORDERED AS FOLLOWS:

(1) The Case Management Conference currently scheduled for April 1, 2014 at 1:30 PM , as well as the trial date and all dates set in the Pretrial Order for Jury Trial issued by the court on November 20, 2013 are VACATED; and

(2) The Parties shall file a dismissal with prejudice of the within action in its entirety no later than March 3, 2015.

Dated: March 14, 2014


KANDIS A. WESTMORE
United States Magistrate Judge